

REMARKS

A. Status of the Case

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holm. Claim 11 is objected to. Before the current amendments, Claims 1-11 are pending in the case; after the current amendments, Claims 1-20 are pending in the case.

Claims 1 and 6 are amended to incorporate the limitations of dependent Claim 11; support for these amendments are found in Claim 11 as filed and throughout the Specification. Claims 6-11 are amended to correct minor typographical errors; support for these amendments are found throughout the Specification. Claim 11 is also amended such that the limitations recited are re-written in independent form; support for this amendment is found in the claims as filed and throughout the Specification.

Claims 12-14 are added; support for these added claims is found at page 6, lines 16-25, and throughout the Specification. Claims 15-17 are added; support for these added claims is found at page 15, line 35 – page 16, line 2. Claims 18-20 are added; support for these added claims is found at page 18, lines 23-31.

Attached hereto is a marked-up version of the changes made by the current amendment. The attached page included as part of this response is captioned “Version with Markings to Show Changes Made.”

No new matter is added.

B. Rejection of Claims 1-11 as Obvious under 35 U.S.C. §103(a)

The Examiner rejects Claims 1-10 as unpatentable over Holm. Applicants respectfully traverse this rejection. However, in order to facilitate prosecution, independent Claims 1 and 6 are amended with this response to incorporate the limitations of Claim 11 as filed, which the Examiner has indicated is free of any art-based rejections. Because all pending claims (including those claims added with the current response) include the limitations of Claim 11 as originally filed, it is respectfully requested that the Examiner withdraw the obviousness rejection and allow all pending claims as patentable.

C. Objection to Claim 11

The Examiner objects to Claim 11. With the current amendments, Claim 11 is re-written as an independent claim and no longer depends from a non-allowed claim. The Examiner indicated that the limitations of Claim 11 are free of any art-based rejections in the Office Action dated 9/28/02. Thus, it is respectfully requested that the Examiner allow Claim 11 as amended.

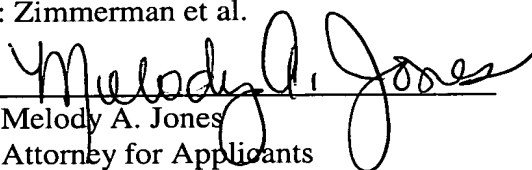
CONCLUSION

The Examiner is respectfully requested to reconsider the Application in view of the foregoing Amendments and Remarks and to allow all pending claims as patentable.

Respectfully submitted,

For: Zimmerman et al.

By



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Version with Markings to Show Changes Made

In the claims:

Claims 12-14 have been added.

Claims 1 and 6-11 have been amended as follows:

1. (Amended) A uniformly shaped snack chip having raised surface features, comprising:

- a. from about 12% to about 40% large surface features;
- b. from about 20% to about 40% medium surface features; and
- c. from about 25% to about 60% small surface features; [.]

wherein said snack chip has:

- a. a glass transition temperature of from about 165 to about 275°F at a snack chip relative humidity of from about 2 to about 4%;
- b. a glass transition temperature of from about 180 to about 275°F at a snack chip relative humidity of from about 6 to about 9%; and
- c. a glass transition temperature of from about 150 to about 235°F at a snack chip relative humidity of from about 20 to about 30%.

6. (Amended) A uniformly shaped snack [piece] chip, wherein the snack [piece] chip comprises from about 5 to about 35 surface features per gram of snack [piece] chip.

7. (Amended) The snack [piece] chip of Claim 6, having a surface roughness of from about 1.5 to about 7 mm.

8. (Amended) The snack [piece] chip of Claim 6, having a bubble wall thickness of greater than about 0.1 mm.

9. (Amended) The snack [piece] chip of Claim 6, having a total volume occupied by solids greater than about 45%.

10. (Amended) The snack [piece] chip of Claim 6, having interior voids with a length of from about 1 to about 12 mm, and a height of from about 0.2 to about 2.5 mm.

11. (Amended) A [The] snack chip [of Claim 1,] having:

- a. a glass transition temperature of from about 165°F to about 275°F at a snack chip relative humidity of from about 2% to about 4%;

b. a glass transition temperature of from about 180°F to about 275°F at a snack chip relative humidity of from about 6% to about 9%; and

c. a glass transition temperature of from about 150°F to about 235°F at a snack chip relative humidity of from about 20% to about 30%.